

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)
)
Plaintiff,)
)
v.) C.A. No. 07-090 (SLR)
)
ALCATEL BUSINESS SYSTEMS and) **REDACTED VERSION**
GENESYS TELECOMMUNICATIONS)
LABORATORIES, INC.,)
)
Defendants.)

DECLARATION OF ARNOLD INTAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)
Plaintiff/Counterclaim Defendant,)
v.) Civil Action No. 07-90-SLR
ALCATEL BUSINESS SYSTEMS)
and)
GENESYS TELECOMMUNICATIONS)
LABORATORIES, INC.,)
Defendants/Counterclaim Plaintiffs.)

DECLARATION OF ARNOLD INTAL

I, Arnold Intal, declare:

1. I am currently the Manager for Alcatel-Lucent ("ALU") Regional Support Center ("RSC") Voice Professional Services. Our Group provides support to our Business Partners on Enterprise product installations, including applications like OmniTouch Unified Messaging and My Teamwork.
2. My remote office address is 27347 Snowfield St. Murieta, CA 92563.
3. On June 13, 2007, I was contacted by Steve Roos, an ALU Sales Director in the NY region, concerning the sale and installation of an OmniTouch Unified Messaging system ("OTUC") and the MyTeamwork application for a company called Miercom. Mr. Roos explained that the sale was through one of ALU's business partners, Alliance Telecommunications ("Alliance"). Alliance needed help to implement the OTUC and MyTeamwork applications.

4. I contacted Dan McGirr and Rich Knapp of Alliance on June 13, 2007 (using contact information provided by Steve Roos), and we discussed that Miercom wanted to use the OmniTouch Unified Communication software suite ("OTUC" and MyTeamwork) with an Alcatel-Lucent OmniPCX Enterprise ("OXE") PBX. (See, e.g., Ex. A.)

5. On June 18, 2007, we (the ALU RSC Voice Pro-Services Team) provided a quote for installation/implementation. Mr. Knapp believed that this was a pilot installation and that Alliance would win more installations if this project went well. Mr. Knapp also promised that he would use Pro-Services again for the other installations.

6. I therefore contacted and scheduled Po Ching Lin, a senior Alcatel Professional Services Engineer who has extensive experience with both OTUC and OXE to assist Alliance with the installation. I am Mr. Lin's immediate supervisor. Mr. Lin is one of ALU's RSC Pro-Services employees who is qualified to install, configure and train customers on the operation of the OTUC and MyTeamwork applications at a customer site.

7. I understood that the installation was going to be at a site in Washington D.C on June 26, 2007 – June 29, 2007, as requested by the customer (known to me as Miercom).

8. On or before June 28, 2007, I was informed that the real customer was a company called Fish & Richardson. I had received an implementation update via e-mail from PoChing Lin titled "Fish & Richardson : Otuc and MTW installation update". (Ex. B.)

9. On June 29, 2007, Mr. Knapp emailed me and stated that the customer, Fish & Richardson, complained that they did not get any admin or end-user training, that Fish & Richardson wanted Mr. Lin to come back to the site, and that Fish & Richardson was

bringing in 29 office managers from all over the country to observe and use the ALU System the following Saturday. (Ex. C.) After receiving Mr. Knapp's email, I agreed to send Mr. Lin back to Fish & Richardson, as requested by Fish & Richardson. Mr. Lin went back on July 2 to 3, 2007 to deliver admin and end-user training.

10. On or about July 5, 2007, I received an email from Mr. Lin stating his belief that Fish & Richardson did not intend to install an Alcatel Unified Messaging system in its offices, but that Fish & Richardson was actually a law firm involved in patent litigation. (Ex. D.)

11. After receiving Mr. Lin's July 5, 2007 email, I emailed Mr. Knapp on that same day and asked him to call me. (Ex. E.) Mr. Knapp and I talked on around July 6 and he told me that he was going to investigate the situation.

12. I followed up again with Mr. Knapp via email on July 10, 2007. (Ex. F.) Mr. Knapp responded to my email and assured me that the installation was a "real install" and further that "the lady in charge" wants to know how much it would cost to have Po Ching go back to Fish & Richardson to perform additional training. (Ex. G.)

13. At no time during the installation or configuration of the OTUC and MyTeamwork applications by Mr. Lin was I aware that Fish & Richardson was representing Microsoft in a lawsuit against any Alcatel-Lucent entity.

14. I declare under the penalty of perjury that the foregoing is true and correct.



Dated August 22, 2007

Arnold Intal

EXHIBIT A

REDACTED

EXHIBIT B

REDACTED

EXHIBIT C

REDACTED

EXHIBIT D

REDACTED

EXHIBIT E

REDACTED

EXHIBIT F

REDACTED

EXHIBIT G

REDACTED

CERTIFICATE OF SERVICE

I, Maryellen Noreika, hereby certify that on September 10, 2007 I electronically filed the foregoing document, which will send notification of such filing(s) to the following:

Thomas L. Halkowski, Esquire
FISH & RICHARDSON P.C.

I also certify that copies were caused to be served on September 10, 2007 upon the following in the manner indicated:

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